

**REMARKS**

Claims 1-3, 6-9, 11-14 and 16-18 are pending in this application. By this Amendment, claims 1, 9, 11, 13 and 14 are amended, claims 4, 5, 10 and 15 are canceled, without prejudice to, or disclaimer of the subject matter recited therein, and claims 17 and 18 are added. No new matter is added.

**I. Claims 11 and 13 Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 11 and 13 under 35 U.S.C. §112, second paragraph. Specifically, the Office Action asserts that the recitation of "flat portion" in claims 11 and 13 has insufficient antecedent basis. By this Amendment, claim 9 is amended to include "a flat portion." Claims 11 and 13 depend from claim 9. Thus, there is sufficient antecedent basis for this feature. Therefore, claims 11 and 13 satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is thus respectfully requested.

**II. The Claims Define Patentable Subject Matter**

**A. Claims §102(b) Rejection of Claims 1-16**

The Office Action rejects claims 1-4 and 6 under 35 U.S.C. §102(b) over U.S. Patent No. 6,407,969 to Spruit. The rejection of canceled claim 4 is moot, and the rejection of claims 1-3 and 6 is respectfully traversed.

Spruit does not teach or suggest every feature of independent claim 1. Spruit does not teach or suggest an optical disk "wherein the disk-specific identification information is recorded as an irreversible record mark on at least one of a groovetrack and a landtrack including the flat portion adjacent to a recording track" as recited in independent claim 1 (emphasis added). Spruit does not teach or suggest disk-specific identification information that is recorded as an irreversible record mark on a track adjacent to a recording track, as recited in independent claim 1.

Thus, for at least these reasons, independent claim 1 is patentable over Spruit.

Further, claims 2, 3 and 6, which depend from claim 1, are also patentable over Spruit for at least the reasons discussed above in respect to claim 1, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

**B. 35 U.S.C. §102(b) of Claims 9, 11 and 12**

The Office Action rejects claims 9, 11 and 12 under 35 U.S.C. §102(b) for U.S. Patent Application Publication No. 2002/0031070 to Hayashi. This rejection is respectfully traversed.

Hayashi does not teach or suggest every feature of independent claim 9. Hayashi does not teach or suggest a method of playing an optical disk "wherein the disk-specific identification information is recorded as an irreversible record mark on at least one of a groovetrack and a landtrack including the flat portion adjacent to a recording track, and the focused laser beam is servoed on the recording track adjacent to at least one of the groovetrack and the landtrack recorded the disk-specific identification information as the irreversible record mark, and wherein the disk-specific identification information is detected as an information signal by crosstalk from at least one of the groovetrack and the landtrack during playback," as recited in independent claim 9 (emphasis added). Hayashi does not teach or suggest disk-specific identification information that is recorded as an irreversible record mark on a track adjacent to a recording track, as recited in independent claim 9.

Thus, for at least these reasons, independent claim 9 is patentable over Hayashi.

Further, claims 11 and 12, which depend from claim 9, are also patentable over Hayashi for at least for the reasons discussed above, as well as for the additional feature they recite.

Withdrawal of the rejection is thus respectfully requested.

**C. 35 U.S.C. §103(a) Rejection of Claim 5**

The Office Action rejects claim 5 under 35 U.S.C. §103(a) over Spruit. This rejection is moot in view of the cancellation of claim 5. The withdrawal of the rejection is thus respectfully requested.

**D. 35 U.S.C. §103(a) Claim Rejection Over Claims 7 and 8**

The Office Action rejects claim 7 and 8 under 35 U.S.C. §103(a) over Spruit and further in view of U.S. Patent No. 6,795,389 to Nishiuchi et al. This rejection is respectfully traversed.

Nishiuchi does not remedy the deficiencies of Spruit. The Office Action only cites Nishiuchi for its alleged teaching of medium type information recorded in the management region. Claims 7 and 8 depend from claim 1. Thus, claims 7 and 8 are patentable over Nishiuchi and Spruit for at least the reasons discussed above with respect to claim 1, as well for the additional features they recite. Withdrawal of the rejection is respectfully requested.

**E. 35 U.S.C. §103(a) Rejection of Claim 10**

The Office Action rejects claim 10 under 35 U.S.C. §103(a) over Hayashi further in view of Spruit. This rejection is moot in view of the cancellation of claim 10.

Withdrawal of the rejection is thus respectfully requested.

**F. 35 U.S.C. §103(a) Rejection of Claim 13**

The Office Action rejects claim 13 under 35 U.S.C. §103(a) over Hayashi in view of Spruit and U.S. Patent Application Publication No. 2005/0190677 A1 to Stebbings et al. This rejection is respectfully traversed.

Hayashi, Spruit and Stebbings do not teach or suggest each and every feature of claim 13. Spruit and Stebbings do not remedy the deficiencies of Hayashi discussed above with respect to independent claim 9. The Office Action only cites Spruit for its alleged teaching of address information areas that includes sync fields and only cites Stebbings for its

alleged teaching of an optical disk method where the authenticity of the disk-specific information is judged. Claim 13 depends from claim 9. Thus, claim 13 is patentable over the applied references for at least these reasons discussed above with respect to claim 9, as well as for the additional features it recites. Withdrawal of the rejection is thus respectfully requested.

**G. 35 U.S.C. §103(a) Rejection of Claims 14 and 16**

The Office Action rejects claims 14 and 16 under 35 U.S.C. §103(a) over Hayashi and further in view of Stebbings. This rejection is respectfully traversed.

Hayashi and Stebbings do not teach or suggest every feature of independent claim 14. In particular, neither of the applied references teach or suggest the claimed playback signal processing circuit "wherein the disk-specific identification information is recorded as an irreversible record mark on at least one of a groovetrack and a landtrack including the flat portion adjacent to a recording track, wherein the predetermined threshold level is respectively set between each of the signal level of the flat portion and the signal level of the disk-specific identification information, and the signal level of the disk-specific identification information recorded on the at least one of the groovetrack and the landtrack other than the flat portion, and wherein the signal of the disk-specific identification information recorded as the irreversible record mark is used as a synchronization signal, and authenticity of the disk-specific identification information is judged," as recited in independent claim 14 (emphasis added). Neither Hayashi nor Stebbings teach or suggest three different states of signal levels that are mixed in the amplitude fluctuation of an irreversible record mark recorded on a track adjacent to a recording track, as recited in independent claim 14.

Thus, for at least these reasons, independent claim 14 is patentable over Hayashi and Stebbings. Further, claim 16, which depends from claim 14, is also patentable over Hayashi

and Stebbings for at least the reasons discussed above with respect to claim 14, as well as for the additional features it recites. Withdrawal of the rejection is thus respectfully requested.

**H. 35 U.S.C. §103(a) Rejection of Claim 15**

The Office Action rejects claim 15 under 35 U.S.C. §103(a) over Hayashi and Stebbings and further in view of U.S. Patent No. 6,407,969 to Spruit. This rejection is moot in view of the cancellation of claim 15. Withdrawal of the rejection is thus respectfully requested.

**I. New Claims 17 and 18**

New claims 17 and 18 are patentable over the applied references for at least the reasons discussed above with respect to claims 1 and 9, from which they respectively depend. Further, neither of the applied references teach or suggest "wherein three different states of signal levels detecting the signal in the management region are mixed in amplitude fluctuation..." as recited in new claims 17 and 18. In other words, none of applied references teaches or suggests forming disk-specific identification information as irreversible record marker across the flat portion and at least one of the groovetrack and the landtrack while three different states of signal levels are mixed in the amplitude fluctuation of this irreversible record mark.

Thus, for at least these reasons, claims 17 and 18 are patentable over the applied references.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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